

32B-4-708 Unlawful act involving consumers.

- (1)
- (a) It is unlawful for an industry member, directly or indirectly, or through an affiliate, to give away any of its product to a person except for testing, analysis, and sampling purposes by the department or local industry representative licensee to the extent authorized by this title.
 - (b) This Subsection (1) does not preclude an industry member from serving its product to others at a private event hosted by the industry member in the industry member's home or elsewhere so long as the product is not served:
 - (i) as part of a promotion of the industry member's product; or
 - (ii) as a subterfuge to provide a sample to a person for product testing, analysis, or sampling purposes.
- (2) It is unlawful for an industry member or retailer, directly or indirectly, or through an affiliate, to engage in an advertisement or promotional scheme that requires the purchase or sale of an alcoholic product, or consumption of an alcoholic product, in order to participate in a promotion, program, or other activity.
- (3) It is unlawful for an industry member or retailer, directly or indirectly, or through an affiliate, to pay, give, or deliver to a person money or any other thing of value, including a rebate, refund, or prize, on the basis of the purchase, display, use, sale, or consumption of an alcoholic product.
- (4) It is unlawful for an industry member or retailer to sponsor or underwrite an athletic, theatrical, scholastic, artistic, or scientific event that:
- (a) overtly promotes the consumption of a product;
 - (b) offers a product to the general public without charge; or
 - (c) takes place on the premises of a school, college, university, or other educational institution.

Enacted by Chapter 276, 2010 General Session